

WILLIAM S. U'REN, THE LEADER OF THE MOVEMENT FOR
POPULAR GOVERNMENT IN OREGON

McCLURE'S MAGAZINE

VOL. XXXVII

JULY, 1911

No. 3

THE INITIATIVE AND REFERENDUM AND HOW OREGON GOT THEM

BY

BURTON J. HENDRICK

AUTHOR OF "GOVERNOR HUGHES AND THE ALBANY GANG,"
"McADOO AND THE SUBWAY," ETC.

NOTHING is more significant of the popular attitude toward political organizations than the movement, now rapidly spreading all over the United States, for the Initiative, the Referendum, and the Recall. Six Western State legislatures, in the last few months, have adopted constitutional amendments providing for these measures. The more conservative East, which a few years ago was ridiculing them as wild Populistic vagaries, is now beginning to give them respectful attention. How marked is the change in public opinion was evidenced only the other day, when Woodrow Wilson, for several years president of Princeton University, now Governor of New Jersey, and one of our leading academic authorities on politics and government, announced his conversion.

"For twenty years," said Governor Wilson, "I preached to the students of Princeton that the Referendum and Recall was bosh. I have since investigated, and I want to apologize to those students. It is the safeguard of politics. It takes power from the boss and places it in the hands of the people. I want to say with all my power that I favor it."

For the origin of this popular movement in the United States we must go back nearly twenty years, to a series of meetings held in an unpretentious farm-house in Milwaukie, Clackamas County, Oregon. The first inspiration had been given by a Reverend M. V. Rork, an ex-Unitarian clergyman, who came roaring through

rural Oregon in the early '90's as the representative of the Farmers' Alliance. Rork was one of those Populistic agitators whom the Eastern newspapers so dearly loved to caricature; his lectures were directed against the railroads, Wall Street, and the existing political parties, and his favorite remedy was the combination of the farmers and the working classes against exploiting "capitalism." He made a business of organizing branches of the Farmers' Alliance, and with great success. In western Oregon, in particular, his progress was the heralding of a new political age.

Milwaukie, a village of perhaps a thousand people, located in one of the most fruitful sections of the beautiful Willamette Valley, about seven miles south of Portland, was the gathering-place of an energetic and intelligent yeomanry. Here the farmers thought and read and closely followed political movements and all important public questions. There was one family, in particular, which for many years had acted as an intellectual stimulus upon the town. Seth and Alfred Luelling were especially favorable specimens of rural Americanism — of the sturdy and honest pioneers who had crossed the plains in ox teams and laid, in Oregon, the foundations of one of America's greatest commonwealths. They were prosperous nurserymen; they owned and cultivated several hundred acres; and, in their own profession, they are known as the creators of the famous "Bing" and "Luelling" cherries. But they were more than fruit-grow-

ers; they were natural philosophers: though academically uneducated, they had definite ideas on most religious, political, and economic questions. Almost inevitably their ideas were revolutionary. In religion they were spiritualists; Seth Luelling's house, indeed, was the local headquarters of spiritualism long before it became the meeting-place of political malcontents. The very room where the agitation for popular government in Oregon started had been for many years previously the scene of spiritualistic séances. Many of America's leading spiritualists were the Luellings' intimate friends. Elizabeth Cady Stanton had also visited the Luellings' home and had written from there on questions concerning women.

A Group of "Advanced Thinkers"

The Luellings organized the Farmers' Alliance Lodge in Milwaukie, and the Luelling farmhouse became its official headquarters. Here Seth and Alfred gradually drew about them a philosophic group and held weekly meetings for the discussion of current events. All their associates belonged to the class known, in those days, as "advanced thinkers." An "advanced thinker" was usually a man who declaimed vigorously against the extortions of the railroads, who considered that both political parties existed only to serve the interests of corporate wealth, who believed in the free coinage of silver at the ratio of sixteen to one, and in the single tax. His chief idol among public men was usually Henry George; his greatest aversion, Grover Cleveland — Mr. Cleveland was then well launched in his second term. The Luelling group represented certainly all the forces of unrest that were soon to blossom into the Populist party — farmers' alliances, granges, knights of labor, labor-unions, greenbackers, Socialists, and the rest. At one of these Thursday evening meetings one could usually hear irreverently discussed nearly all the most sacred American institutions — the Supreme Court, the United States Senate, the representative system of government, even the Constitution itself. Many tenets then regarded as Socialistic — such as governmental ownership of railroads — likewise found hearty indorsement here. Women participated in the proceedings almost as generally as men; and one of the strongest articles of the Luelling faith — as it afterward became of the Populist party — was woman suffrage. The company frequently interrupted the political arguments with incursions into polite literature; they read and discussed good books; and one of the most entertaining members was a well-known Shakespearian "reciter," John D. Stevens.

William S. U'Ren

Cranky, irresponsible, half baked — all these things, in conservative eyes, the little assemblage certainly was; yet it was alive and stimulating. Out of this, and out of thousands of similar groups then scattered through the West, developed many of the ideas that have now reached the full dignity of practical politics. In the fall of the year 1892 the Luelling lodge admitted an important new member. This was a wanderer with a strange name — William Simon U'Ren.* Mr. U'Ren, like the Luellings, was a spiritualist, and, like most other spiritualists in that part of the country, he naturally gravitated toward the Luelling headquarters. He was then about thirty-two years old — tall, slender, blue-eyed, yellow-haired, not in the best of health, but with an engaging manner, a ready tongue, and a quiet and deliberate interest in public questions. Although a young man, U'Ren had lived in many States and had acquired at first hand much political information. Radicalism he had breathed in as a child. His mother was a hardy Cornish woman; his father — still living and a Socialist at seventy-six — was an Englishman who, as a young man, had become dissatisfied with the political and social system of England, and had sought new ideals in this country. Here, as a blacksmith, he had prospered, but he had failed to find the equality and political morality of which he had dreamed. U'Ren's earliest recollections, as a child, were of fireside discussions of the land system in England; his father is still helping a brother in England to pay rent upon a house which their own grandfather built in the eighteenth century. There seemed something wrong in all this, but U'Ren could not quite understand where the fault lay.

The elder U'Ren had something of a library, in which William read as a boy; but his mother's reading of the Bible gave him his real education. "I was especially fond of the Old Testament leaders," he says, "Moses and the rest; I suppose it's because they were never satisfied with things as they were, but were always kicking." This training he supplemented by the usual course in the public schools of Colorado. Born in Wisconsin in 1859, he "vibrated," to use his own expression, for several years around the West, engaging in several occupations. He was, at various times, a blacksmith in the railroad yards at Denver, a bookkeeper, a shorthand writer, and a lawyer. He frequently took a hand in politics; he knew Colorado intimately, and here he first came into personal contact with political corruption. Going from one State to another — Colorado, Nebraska,

* Accent on the last syllable.

Kansas, Iowa, California among others — he saw everywhere the same conditions, the same clear and simple system — the assumption of governmental powers by the forces of wealth. All these apparent facts, however, confused his mind. He saw no way out, no remedy. One

dogmatic, but always soft-voiced, insinuating, persuasive, as good at listening as at talking. And now he brought all these gifts to bear in his missionary labors for the single tax. "Now I began to see why we were paying rent on a house our own grandfather had built in England



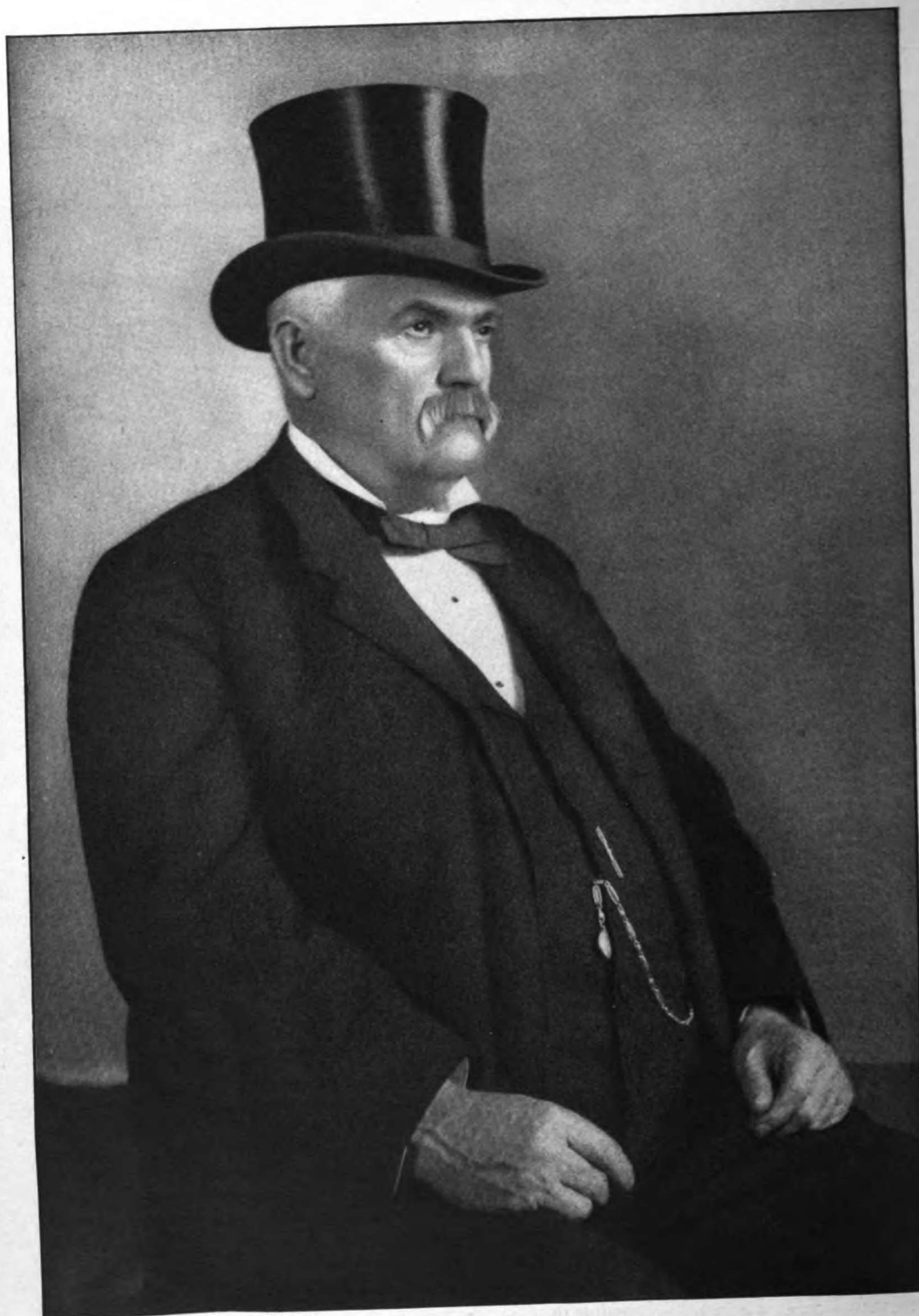
JOHN H. MITCHELL, WHO FAILED OF REELECTION TO THE SENATE IN 1897 BECAUSE HE OPPOSED THE INITIATIVE AND REFERENDUM AMENDMENT

day, in the mining camp of Tincup, Colorado, a friend handed U'Ren a book that had been recently written by a Californian. It was "Progress and Poverty." U'Ren's mind had already proved a receptive field for many revolutionary ideas; he was already a paper-money man; and in Henry George's work he found, or thought he found, a genuine political purpose in life. U'Ren has never been an agitator of the type frequently met with in the West — never a ranter, never ill-tempered, unreasonable, or

a hundred years ago," he says; and it was this enthusiasm that he brought to the weekly gatherings at the Luelling household.

Oregon Hears of the Swiss System

He was a valuable acquisition. The reformers had been to a great degree inarticulate and purposeless, and in U'Ren they found their leader. He became a member of the Luelling household, and a partner with Seth Luelling in the nursery



HARVEY W. SCOTT, THE HORACE GREELEY OF THE PACIFIC COAST. HE FAVORED THE REFERENDUM IN THE EARLY DAYS, ALTHOUGH AFTERWARD HE OPPOSED IT

business. Hard times soon fell upon U'Ren, the Luellings, and all the rest of their associates. The panic of 1893 virtually ruined the orchard and nursery business, and financial gloom settled down upon Clackamas County. Farm products could not be sold; debts began to accumulate, farms to be mortgaged and foreclosed. U'Ren, who was at the time unmarried, lived in a little cabin on the Luelling estate. The philosophic group still held their weekly meetings, and constantly discussed their troubles. They could see only one cause for them — Wall Street, capitalism, the "money trust," the "rail-road trust."

One evening Alfred Luelling brought to the gathering a copy of a new, paper-covered book. It was called "Direct Legislation by the Citizenship, through the Initiative and Referendum," and was written by J. W. Sullivan. Strange words, these — Initiative and Referendum. Several years before this, when he was crossing the ferry from San Francisco to Oakland, some one had handed U'Ren a labor-union circular on the "Initiative"; but hardly any other member of the group had heard of this governmental device. All were greatly interested, however, while Alfred Luelling read a few chapters to them. He could not finish the book at one reading, and after the meeting had adjourned, U'Ren took the volume and retired to his cabin. There, all night long, by the light of a little kerosene lamp, he pored over Sullivan's work. By sunrise he had read and digested every word.

"I forgot, for the time, all about Henry George and the single tax," he says. "All these I now saw to be details. The one important thing was to restore the law-making power where it belonged — into the hands of the people. Once give us that, we could get anything we wanted — single tax, anything."

Sullivan's teachings were radical because they proposed to modify seriously the fundamental principle of American government. The men who framed the federal and the State constitutions unquestionably accepted, as a political maxim, the idea that democracy could work successfully only as long as the people ruled, not directly, but through elected representatives. They had no abiding confidence in an unrestrained democracy. Hamilton and his associates had constantly before them the historic failures — the Greek cities — in which the people exercised directly, in person, the law-making power. In the American Constitution, therefore, they separated as much as possible the law-making and the executive bodies from the people who elected them. Virtually all of the American States had followed the federal example.

Oregon, in 1893, had such a representative system. This idea regulated every phase of its public life.

According to the representative idea, the rank and file could serve no useful purpose in making laws. They were a "mob." They were ignorant, capricious, unthinking, and were constantly led astray by their own passions. Could a "mob" vote upon laws — give a simple "yes" or "no" upon proposed measures of legislation? The suggestion, of course, was absurd. The one thing that the people could be trusted to do was, at stated intervals, to select, among the candidates proposed by the several political parties, the men who should make law-making their exclusive business. After selecting these representatives the voters lost all control of them. Such legislators simply ruled by royal ukase for the period for which they were chosen. If they did ill, the people had no recourse; they could not themselves undo their acts; they could not obtain the measures that their real interests demanded. Their only recourse was to wait until their representatives' terms had expired, and then elect a new set, who might go on betraying their trust precisely as had their predecessors. Under a properly regulated representative system such as the fathers of the Republic had foreseen, these things, of course, would never have happened. The men chosen by the people would be supremely wise and supremely good; they would be the State's leading men — its great educators and philanthropists, its honorable leaders in business, finance, professional life, arts and letters — men whose only possible motive in public life would be an unselfish interest in the public welfare.

Representative Institutions in the "Oregon Country"

Oregon had adopted a constitution, in 1859, founded upon this idea. How had it worked in practice?

This beautiful far-Western State apparently offered a fruitful field for such an idyllic experiment. Nature had endowed the soil with almost exhaustless wealth. The "Oregon country" is a lotus-eating land. Roses bloom in December, and crops burst out of the ground with the smallest amount of human labor. Almost tropical in its vegetative exuberance, it has nothing enervating in its climate. The women are robust, animated, alert; the men, tall, ruddy-faced, bright-eyed, are extraordinarily energetic. In its settlement, Oregon drew upon many of the best elements in the American stock. The Western coast was settled largely by New Englanders, many of them sea-

farang people. There is a tradition that, when the time came to name their leading city, the pioneers tossed a coin to determine whether they should call it Portland or Boston; and Portland, to-day, with its central green, its general atmosphere of quiet respectability, strongly resembles a New England town. The State has always been mainly agricultural. Even now the population is only about seven hundred thousand. Only one third live in the cities — the rest are found on the wheat farms, in the apple orchards and berry fields, on the lonely sheep and cattle ranches. Anglo-Saxondom is the largest element in its population, while its foreign population represents the better European peasant types — Irish, Scotch, Germans, and Scandinavians.

Here, if anywhere, this unmodified representative system, this full flower of Teutonic civilization, ought to bring happiness and justice to the people. A complete analysis, however, shows that in practically every branch of government it had been a humiliating failure. Even among American State governments, Oregon enjoyed a unique distinction for the corruption and inefficiency of its public life. It had a representative government, indeed, but not a government representative of its people. In 1893, when the Luellings, U'Ren, and the Milwaukie group began to reform the State, one could hardly say that popular government, in any real sense, existed at all. There was merely a skeleton — a hollow frame of representative institutions. The power that did select its representatives was made up of the corporations — the street railway, the gas and electric light companies, the banks, the railroads. With these had developed a kind of feudal aristocracy — the "first families of Portland" — which habitually used public powers for private ends.

"Representatives" in Parties and Government

These several extra-constitutional powers had acquired possession of the government by using agencies the existence of which Hamilton and his associates had not foreseen. The fathers never seemed to anticipate, for example, the inevitable development of political parties. They provided that our representatives should be elected, but neglected an even more important detail — that, before being elected, they should be nominated. Under the representative system, the men who make the nominations clearly control the government. In Oregon, as elsewhere, an elaborate machinery had been devised for making these nominations. It was

not direct; like the government itself, it was purely "representative." The fact that the people had themselves no immediate choice, but expressed their preferences through representatives chosen by other representatives whom the people themselves sometimes selected, gave them little interest or influence in the proceedings. Thus there grew up a professional class which made a business of working this party machinery.

Oregon's "Wisest" and "Best"

In character the representatives thus selected fell far short of the Hamiltonian ideal. There were thousands of splendid, honest, able, patriotic gentlemen in Oregon — but they were not found, except rarely, in the legislature. Instead, there were briefless lawyers, farmless farmers, business failures, bar-room loafers, Fourth-of-July orators, political thugs. The larger part of these men were ignorant, illiterate, lazy, politically and personally immoral. As soon as the legislature convened, a troop of prostitutes quite regularly encamped at Salem — the law-makers, in some cases, attaching them to the State pay-roll. Drunkenness and debauchery commonly prevailed throughout the whole legislative session. These legislators organized in the interest of the corporations; the latter named the officers and the committees, and directed legislation.

How Switzerland had Driven the "Interests" Out of Politics

With Luelling, U'Ren, and the other members of the Milwaukie group, these conditions had for some time formed the staple of discussion. The reformers made little practical headway, however, until they read and pondered Sullivan's book and other literature of the same kind. Sullivan's volume described how, thirty or forty years before, essentially the same conditions had prevailed in Switzerland. There also, in that pastoral Republic, the "interests" had annexed the government, and had used it to increase their wealth. They were just about the same kind of interests that were exploiting Oregon — the railroads, the banks, the "plutocracy," and the corrupt politicians. There, too, there had been political machines and political bosses; legislatures had been corrupt and bribery had been common. In seeking a way of escape, a small group of Swiss reformers, in the '30's and '40's, began to advocate a general system of popular law-making. For centuries six Swiss cantons — Uri, Glarus, and the double cantons of Appenzell and Unterwalden — have been pure democ-

racies. Here, once a year, usually on a Sunday in May, the mountaineers gather in the meadow, pass laws by a show of hands, and exercise in person all the functions of government. These *Landsgemeinden*, the direct descendants of the Teutonic folkmoets, had long been an object lesson to the Swiss people. The writings of their celebrated philosopher, Rousseau, always an advocate of legislation directly by the people, had also become a part of the national political consciousness.

The cantons in which the *Landsgemeinde* ruled, however, were small, and the town-meeting idea was obviously impracticable in sections where the population reached into the tens of thousands. The reformers, therefore, originated what was essentially a new scheme. They provided for the retention of their representative chambers, and arranged that these chambers should still have charge of legislation. They simply reserved to the people two powers, one to pass laws themselves, the other to veto any obnoxious law passed by the legislature. The first power they called the Initiative, the second the Referendum. In several cantons all laws, before they became effective, had to be indorsed by a majority of the voters; in others, the acts of the legislature became laws without submission, unless a certain percentage of the freemen petitioned for a popular vote.

Sullivan's book, as well as many others written upon the same subject, claimed for these new measures unqualified success. Practically all the abuses that had prevailed under the former system had disappeared. Public life had become orderly and decent; the cantonal legislatures had ceased their turmoils and become honest and businesslike; bribery and corruption had disappeared; and in all its branches Switzerland, which had been one of the worst governed countries in Europe, had gradually become one of the best. Many great national reforms had been instituted. The State, instead of being owned by the railroads, now controlled these corporations — in recent years the government has actually owned them. Switzerland regulated the liquor traffic by making alcohol a State monopoly. The people had obtained an equitable system of taxation, had voted large appropriations for building highways and for other public purposes. Above all, the Swiss people had developed a new political sense, had a keen interest in public affairs, and kept fruitful watch over their legislatures. Unquestionably, at times they had made mistakes; but that the new system was of immense value, on the whole, seemed to be the judgment of nearly all who had investigated it.

A Movement of the Farmers and Working Classes

The Luelling group now began what developed into a ten years' agitation. They soon founded a definite organization — a "Joint Committee on Direct Legislation." They invited the State Grange, the Oregon Farmers' Alliance, the Portland Federated Trades, the Portland Central Labor Council, and the Oregon Knights of Labor to send delegates to discuss ways and means of getting the Initiative and Referendum. In order to make the meeting representative, they sent a similar invitation to the Portland Chamber of Commerce. All except the latter body accepted. The meeting was held in U'Ren's cabin on the Luelling estate. Although the popular movement in Oregon is now comprehensive, in that representatives of all social classes are supporting it, this preliminary meeting emphasizes distinctly that in the early days it was confined to the farming and the wage-earning class. Among the most active of the delegates were A. I. Mason, then a leader in the Carpenters' Union and afterward a letter-carrier; George M. Orton, a printer; G. G. Kurtz, a cigar-maker; T. E. Kirby, a representative of the Knights of Labor; Nathan Pierce, president of the Oregon Farmers' Alliance; and W. D. Hare, from the State Grange. Nearly all of these men were familiar with the Initiative and Referendum in their own organizations — for years it had been their regular way of making laws. Unquestionably they regarded the reform as the most effective way of redressing their grievances — what they looked upon as the oppression of "capital."

This little band decided to strive for one thing — a convention for the revision of the Constitution, this revision to provide for the Initiative and Referendum. A change that would give legislative power to the voters necessarily required a change in this fundamental instrument.

Many Swiss and New Englanders in Clackamas County

For some time the seat of war was Clackamas County. Here the reformers found conditions favorable to their demands. The county is one of the most beautiful and prosperous in the State, and its people are unusually industrious and intelligent. Fortunately for the proposed reform, a considerable part of its population is German-Swiss. In Milwaukie where the movement started, at least half of the population are Swiss. These settlers brought with them many memories of popular law-making in their fatherland; they could remember the days



MISS FLORENCE OLSEN, WHO STUMPED FOR THE INITIATIVE AND REFERENDUM AMENDMENT

when, after church on Sunday, they used to assemble on the village green, and, by uplifted hands, pass their own laws and select their own rulers. Another considerable element in the population were New Englanders. With them, also, law-making by the people was not revolutionary or strange; for generations the freemen of the New England towns had met annually in town meetings, laid their own taxes, made their own appropriations, and chosen their own "selectmen." Naturally, these two classes of citizens, the Swiss and the New Englanders, needed little instruction; they eagerly fell into line to educate their less experienced neighbors.

Women Active in the Movement

The movement was a popular one in every sense of the word. In view of present-day discussions of the fitness of women for public affairs, it is interesting to note that, in accomplishing this the most revolutionary governmental change in the last half century, women played a conspicuous part. As a preliminary step, U'Ren and his associates issued a pamphlet discussing the proposed constitutional reforms—a small document that ultimately had a circulation of fifty thousand copies in English and fifteen thousand in German. They had little money, and everybody, men, women, and children, had to help. The printers' unions did

the printing; the women did the stitching; the children did their part in the distribution. In the winter of 1894-95 nearly every farmer household in Milwaukie spent its evenings in this work. Several women took to the stump. Mrs. Sophronia Luelling, Seth Luelling's wife, was especially influential as a speaker at meetings of the Alliance and the Grange. A number of young school-teachers traveled over the country, addressing meetings in school-houses. Miss Florence Olsen was most active in this work. It had been the custom to hold social gatherings in these school-houses, at which the people turned out in families; the farmers' wives prepared the supper, and the evening was spent in discussing matters affecting their personal welfare. These gatherings brought together just the crowds desired: there were no politicians—there were only the people. Miss Olsen and her associates made a business of attending these functions and discussing the "I and R," the discussions being invariably followed by debate. Both men and women supplemented these discussions by personal appeals. They canvassed the whole country: John D. Stevens traveled on foot all over Clackamas County, carrying the gospel to every farmhouse. All this time Sullivan's book was doing excellent service; thousands of copies were printed and circulated through the State, and each thumbled copy made the round of many farm-houses.

Together with their exhortations the campaigners circulated a petition humbly requesting the sovereign legislature of Oregon to call a constitutional convention. They obtained fifteen thousand signatures, all of voters, out of a total electorate of eighty thousand. They also took pains to pledge as many candidates as possible to vote for such a bill. When the legislature of 1895 convened, U'Ren, who had established his headquarters in the State Capitol, believed that he had pledged votes enough to pass the bill. But the predominant Republican machine energetically opposed it. It is significant of the change in Oregon's public life that the most ferocious enemy of the reform in the session of 1895 was Judge Henry E. McGinn, who is at present one of the leaders in the popular movement. But Mr. McGinn was then merely the Senate leader of the Republican machine.

The Legislature Breaks Its Pledge

U'Ren haunted the legislature day and night, gently buttonholing members in the interest of his proposed convention. Few law-makers understood what he was talking about, but they

all liked him for his mild manner and his amiable persistence. But he didn't make any headway with the legislature. In fact, many members who had pledged themselves to support the bill ostentatiously voted against it. It was perhaps just as well that they did. At that time U'Ren and his followers demanded a compulsory Referendum — a constitutional change requiring that all laws, before becoming valid, should receive the popular indorsement. Such a plan was impracticable, as the reformers soon decided. When they next appeared in public, therefore, they asked merely for the Referendum in its optional form — a provision that laws passed by the legislature should be submitted when eight per cent of the voters petitioned for such submission. They had also abandoned the idea of a constitutional convention, and merely asked for an amendment to the constitution providing for their reform.

The part that U'Ren played in the next session, that of 1897, clearly demonstrated that he had developed political talents of his own.

Reform Indirectly a Result of Senator Mitchell's Free-Silver Policy

Much political history had been made in these two intervening years. The free-silver issue, which had so completely demoralized and disrupted political parties in the other Western States, had played havoc in Oregon. Indirectly it was the means of giving Oregon its popular laws. For many years Senator John H. Mitchell had been the leading politician in the State. No man in Oregon's history has ever aroused so strong a popular enthusiasm; even to-day, in spite of Mitchell's miserable and disgraceful end, the average Oregonian will defend his memory. The outsider, who has never succumbed to Mitchell's personal influence and knows him only by the facts of his career, cannot quite understand the affection in which he is still held. Mitchell spent his early days as a school-teacher in Pennsylvania, under the name of John M. Hipple, and went to Oregon in 1860. From the first he was successful in politics. He had the personal graces that count for everything in a young community — good looks, amiability, generosity, force, and a certain dash and aggressiveness that passed for intellectual brilliancy. He early associated himself as a lawyer and political adviser with Ben Holliday, a Kentucky stage-driver, who first began building railroads in Oregon. A remark attributed to Mitchell — "Ben Holliday's politics are my politics and what Ben Holliday wants I want" — sums up his system of political morals. Mitchell early formed a law partnership with



MRS. SETH LUELLING, ONE OF THE FOREMOST WORKERS FOR THE OREGON REFORM

Joseph N. Dolph, and in the late '60's took into his office, first as a law student and afterward as a clerk and partner, Mr. Joseph Simon — of whom more will be heard. For many years this law firm was virtually the governmental headquarters of the State — managed Republican politics, ruled the State legislature, and made and unmade United States senators. In the course of thirty years four members of this firm went to the United States Senate. Up to 1892 it not only dominated the State politically, but acted as counsel to the Southern Pacific Railroad. For many years its junior member, Joseph Simon, has been the officially recognized head of the State machine.

Mitchell's third term in the United States Senate was to expire on March 4, 1897. In the campaign of the preceding fall — the Presidential gold-silver campaign of 1896 — his reelection had figured extensively as an issue. Up to the time of McKinley's nomination, Mitchell had been the leading free-silver Republican in Oregon. His speeches on this subject in the Senate had been uncompromising, had received wide publicity, and had unquestionably strengthened his chances of reelection to the Senate. In those days State elections took place in June, and consequently Mitchell adherents to the legislature had been chosen before the national Republican convention had met and before any

weakening in Mitchell's free-silver advocacy had become known.

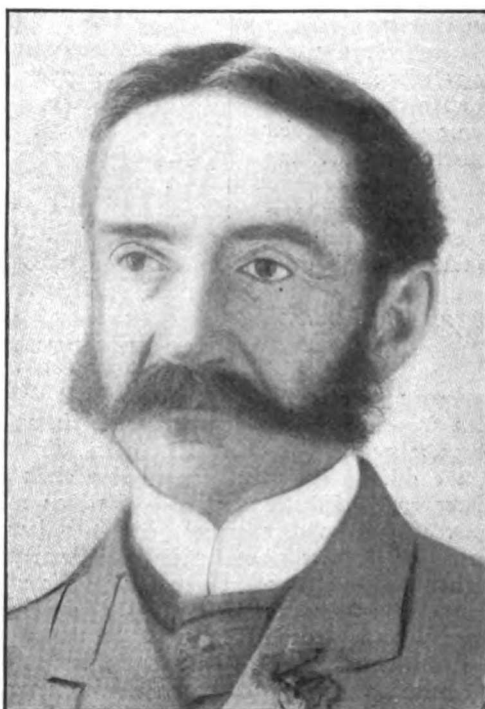
Jonathan Bourne, of New Bedford

Mitchell's campaign manager in 1896 was another Republican aggressively in favor of free silver — one of the most remarkable men in the State, Jonathan Bourne, at present senior United States senator from Oregon. All his life Bourne had feasted on excitement and adventure. He was born in New Bedford, in 1855, of wealthy parents. He spent three years at Harvard, but left college to go to sea. The voyage proved to be an exciting and memorable one; Bourne cruised for a time around China, was wrecked off Formosa, and was finally picked up and carried to Portland, Oregon. This was about 1880, and Portland was then a small town with not more than forty thousand people. Bourne liked it, and decided to stay. He read law and was admitted to the bar, but did not practise extensively. It was inevitable that a man with Bourne's activity and interest in life should take a hand in politics, for politics, in those days, furnished the chief entertainment for young men in Oregon. He unquestionably had brains, much masterfulness in handling men, great intensity, and, with it all, remarkable energy and aggressiveness. He was subject to sudden enthusiasms, and, while the spell lasted, was absolutely impenetrable to other interests. But Bourne did not make much headway because of what his enemies called his "destructive" tendencies. He accepted, as a matter of course, the prevailing political morals — that there could be any other way of doing things had not at that time occurred to him. But his fondness for "smashing things," his disinclination to play any game according to established rules, accounted for the distrust in which he was held by the machine leaders.

Bourne Elects a Mitchell Legislature

In 1896 Bourne had been seized by one of those engrossing enthusiasms to which he was subject. This time it was free silver. He himself had interests in silver-mines; in spite of this, his belief was undoubtedly sincere, and he certainly clung to it more consistently than did many of his associates. Indeed, all through the exciting time of 1896, he thought of nothing else, and talked of nothing else, but the crime of '73. His

management of Mitchell's campaign illustrates the methods of electing United States senators that then prevailed in Oregon. Bourne had the handling of Mitchell's campaign fund, and advanced expenses to the Republican candidates for the legislature. In turn, he pledged these candidates to vote for Senator Mitchell. Bourne did not do this in any half-hearted manner; he tied these men up in writing — drawing up documents that had all the external appearance of contracts. Bourne himself was elected to this legislature from Portland, and the agreement made between himself and Mitchell was that he was to be made Speaker of the House.



JONATHAN BOURNE IN 1897, WHEN, WITH U'REN AND OTHERS, HE HELD UP THE OREGON LEGISLATURE AND PREVENTED IT FROM ORGANIZING

Mitchell Changes His Free-Silver Views and Drops Bourne

Long before the legislature convened, however, Mitchell had changed his position on the financial issue. He altered his views to correspond with the gold plank in the national platform. Instead of being the great champion of the silver cause in Oregon, he was denounced from one end of the State to the other as a "gold-bug." Mitchell did not attempt to conceal the reason for this turn-about; the federal administration had informed him that no silver man could be elected senator from Oregon. And, in order to carry out the program in full,

Mitchell also had to turn against Bourne, the man who had made his election absolutely certain. In the presidential campaign Bourne had supported Bryan — a course that, in Mitchell's view, made him unavailable as the Speaker of a Republican Assembly. In fact, Mitchell believed that he would lose several votes if Bourne received this office.

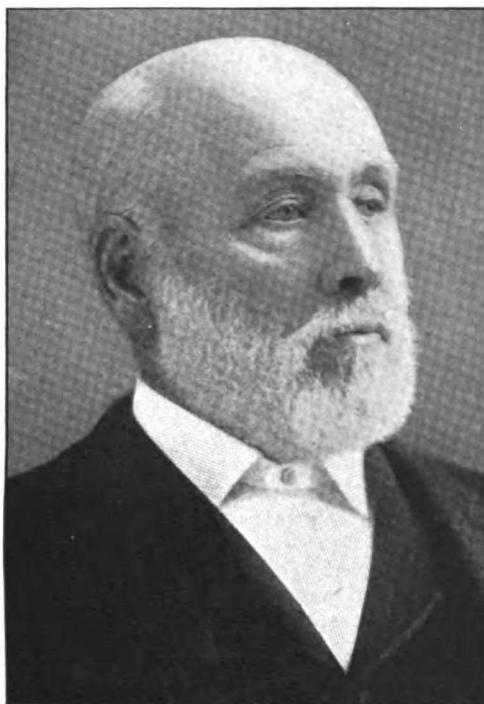
Harvey W. Scott, the Pacific Coast Greeley

There were still further complications. Joseph Simon, who became President of the Senate, was then engaging in one of his periodical feuds against his old law partner, Mitchell. He was working hard for Mitchell's defeat, and ostensibly for the election of a rich Portland banker, ex-Senator Henry W. Corbett. Another power hostile to Mitchell was Harvey W. Scott, the brilliant editor of the *Portland Oregonian*. Scott was an old-fashioned journalist, whose activities were by no means confined to his editorial sanctum. In fact, for many years he had been one of the dictators of the Republican party in Oregon. As a newspaper man, Scott had a hold upon the respect and affection of the farmers in the North Pacific region comparable only to that held, in the 50's and '60's, by Horace

Greeley in the North Atlantic and Middle Western States. "What does old man Scott say?" was the first question asked by the average Oregon farmer, as each new issue came up for discussion. Born in Illinois in 1838, Scott had come to Oregon in 1852, traveling over the plains with an ox-team. As a boy he had helped to build a home in the wilderness — felling trees, working in sawmills and in the open fields, spending his evenings over the few books the pioneer household provided — the Bible, Shakespeare, and Milton. He lived these early days at his father's farm near Olympia, on Puget Sound; and at nineteen,

after serving two years in a bloody Indian war, he heard of the establishment of an educational institution at Forest Grove, Oregon, under the pretentious title of the Pacific University. That was a long way off, in those days; there were no railroads or stage-coaches; but Scott made a bundle of the few books and clothes he possessed, threw them across his back, and started on a long tramp.

The country was so primitive that he had to swim across the Columbia and the Willamette rivers. When he passed through Portland, the city in which his great journalistic triumphs were afterward to be won, it was a straggling, muddy village. He walked fifty miles a day, ultimately reached the "university," and became its first graduate. This training and the studious habits of a lifetime made Scott an excellent scholar, — a good Latinist, fond of a daily dip into his Horace and Virgil, an expert in philosophy and theology, and well read in history, economics, and English literature. He became editor of the *Oregonian* in 1865, when it was a feeble broadside, and soon made it the one great intellectual newspaper of the Pacific States. Scott's editorial style was keen, stinging, Dana-esque, full of epigrams and pointed quotation, having a literary fin-



SETH LUELLING, A FAMOUS OREGON NURSERYMAN AND ORCHARDIST, AT WHOSE FARM-HOUSE THE POPULAR MOVEMENT IN OREGON STARTED

ish strangely out of keeping with his rude frontier environment. Judged by modern journalistic standards, however, Scott had many limitations. He had little real independence; he was constantly taking a hand in politics; and he judged most public men and public questions from a purely personal standpoint. His usefulness was injured by the consuming ambition of his life — his desire to represent Oregon in the United States Senate. The politicians constantly played upon this ambition, and cajoled Scott many times into supporting unworthy men and unworthy causes. At certain critical times, however, Scott's per-

sonal convictions rose superior to these influences, and one of these occasions was this campaign of 1896. He threw all of his energies into the gold-standard fight, and was the chief power in saving Oregon for a sound currency. This explains his hostility to the reelection of Mitchell—the man who had so ignominiously eaten his own words on this issue.

Certainly here was a remarkable legislative situation. Mitchell had enough pledged votes to secure reelection to the Senate. Bourne had been dropped by Mitchell and was now exerting all his energies to accomplish his defeat. Simon, the State boss, was working in the interest of another candidate, and Scott, also powerful politically, would go to almost any extreme to punish Mitchell and retire him to private life.

Who could possibly turn such a situation to any public good? There was one man who saw in it his opportunity—a chance to accomplish a cherished reform. That was William S. U'Ren.

Mitchell Opposed Initiative and Referendum

U'Ren had his own grievance against Senator Mitchell. In the course of the campaign of 1896, U'Ren had sounded Mitchell on the Initiative and Referendum. "Yes," said Mitchell, "that's all right—I think that amendment should be submitted."

U'Ren and his associates, therefore, regarded Mitchell as pledged to their reform. His support, indeed, was almost indispensable. In this same election U'Ren himself was chosen to the legislature from Clackamas County, as a Populist. All the farmers, with their wives and children, turned out, and, although the section had been overwhelmingly Republican for years, carried him into the legislature by a large majority. In the campaign U'Ren supported Bryan and free silver, but he talked of little except the Referendum. Sixteen Populists were elected, all pledged to this amendment; and of these U'Ren at once became the leader. In this capacity, after the election, he called upon Mitchell at his home—to make sure that he was still friendly to the cause.

"Well, Senator," he began, "I congratulate you; you certainly will be reelected."

"Oh, yes," replied Mitchell, "I have three Pops you can't take away from me."

"And I suppose you will help us get the Initiative and Referendum?"

"Hum!"—and Mitchell glanced down on the floor and stroked his patriarchal white beard. "If I were you, I don't think I would introduce that this session."

Mitchell afterward denied that he had in-

tended, by these words, to notify U'Ren that he would not support the amendment; but U'Ren and his associates certainly so understood him. Mitchell's corporation allies, they believed, had forbidden any such revolutionary legislation. Two years before, a majority in the legislature had pledged themselves to the measures, and then had remorselessly broken their pledges. And now once more the farce was to be reenacted.

In order to understand subsequent events, one must clearly understand U'Ren's attitude toward the existing governmental system. If we are to indorse his legislative methods, we shall have to revise considerably our political morals. In discussing that famous session of 1897, U'Ren makes no attempt to conceal the facts and exculpate himself; he simply played the game, he says, according to the prevailing rules, and used such methods as he found ready to his hand.

"Politics," he says, "is war"; and at that time he was engaged not only in a war, but in a revolution. He had absolutely no respect for the existing political institutions; the State of Oregon was owned bodily by property interests and corporations; U'Ren and his followers were rebels—their one aim was to destroy this system and restore the governmental powers to the people. As, in war, the general's business is to grasp every opportunity, with not too scrupulous a regard for the rules that regulate everyday social intercourse,—to employ spies, to lay mines, to deceive,—so in this revolutionary uprising U'Ren believed that any methods were justifiable, provided only they succeeded. "For many years," says U'Ren, "I had seen reformers go in, and, using reform methods, accomplish nothing. I had tried to get the Initiative and Referendum in a respectable way twice—once in 1895 and here again in 1897. Both times our representative legislators had deceived and betrayed us. I now decided to get the reforms by using our enemies' own methods—by fighting the devil with fire."

The present writer makes no attempt to defend U'Ren's attitude; he wishes merely to explain it. The ethics of the procedure each one must settle for himself.

U'Ren Plays Upon the Weaknesses of Politicians

U'Ren clearly understood one important point: that politicians are invariably opportunists, and look upon important public movements only as they affect their immediate personal interest. His experience with the present agitation had taught him that. He now proceeded to play upon this common trait.

He could get nothing out of Mitchell; if he was to succeed at all, he must work with Bourne, Simon, Scott, and the other anti-Mitchell men. The situation, as he saw it, was simple enough. What did he want most of all from that legislature? The passage of the Initiative and Referendum amendment. What did Bourne, Simon, and the others desire above everything else? The defeat of Mitchell as United States senator. U'Ren's plan, therefore, was to make an offensive and defensive alliance with the anti-Mitchell element. If they would pledge themselves to help along his reform, he and his Populist following would pledge themselves to help defeat Mitchell.

In other words, U'Ren and Jonathan Bourne made a "deal." But it was a "deal" rather

than a treaty. The body organized temporarily, but got no further. Instead it split into two practically equal parts. One part was composed of Republicans strongly favoring the reelection of United States Senator Mitchell. This organized as a rump assembly, but had no quorum, and so could do no business. Joseph Simon, as President of the Senate, steadily refused to recognize the body as the lower house. The second part was composed of nine Simon Republicans, five silver Republicans, three Democrats, and thirteen Populists. Jonathan Bourne led the Republican and Democratic insurgents, while William S. U'Ren commanded the Populists. This second group declined to associate with the first. It would not go into the House and help organize; it would not go



U'REN'S CABIN IN MILWAUKIE, OREGON. HERE WAS HELD, IN 1893, THE MEETING OF FARMERS AND WORKINGMEN THAT GAVE OREGON ITS SYSTEM OF POPULAR LAWS

difficult to carry out. Mitchell had his votes all pledged; and the remarkable feature of the situation was that Bourne himself had secured these pledges. When the legislative hangers-on first heard of the arrangement, therefore, they simply laughed. As soon as the legislature convened and organized, they said, its first act would be to elect Mitchell United States senator.

Bourne and U'Ren acknowledged that this was entirely true. That was precisely the reason, they added, why the legislature was not going to organize—unless it could organize in their way.

Machinery of Government Stops in Oregon

When the time came for law-making, the Oregon Senate came to order, permanently organized, elected Joseph Simon President, and prepared for business. But in the House mat-

ters went more slowly. The body organized temporarily, but got no further. Instead it split into two practically equal parts. One part was composed of Republicans strongly favoring the reelection of United States Senator Mitchell. This organized as a rump assembly, but had no quorum, and so could do no business. Joseph Simon, as President of the Senate, steadily refused to recognize the body as the lower house. The second part was composed of nine Simon Republicans, five silver Republicans, three Democrats, and thirteen Populists. Jonathan Bourne led the Republican and Democratic insurgents, while William S. U'Ren commanded the Populists. This second group declined to associate with the first. It would not go into the House and help organize; it would not go

into caucus to choose a United States senator; its members would not even take their oath of office. They made no secret of their motives. They sent emissaries to the regulars, proposing conditions upon which they would assume their constitutional functions. These were:

First: That Senator Mitchell should not be returned to Washington, but that some candidate satisfactory to the Simon wing should be chosen.

Second: That Jonathan Bourne should be elected Speaker of the House.

Third: That the Legislature should pass the Initiative and Referendum amendment, a registration law, and other remedial legislation.

Thus all elements in the insurrectionary band were to receive a *quid pro quo*. And they made a solemn compact to hold together. Unless the Mitchell people accepted these terms, there would be no legislative session that year.

Of course, Mitchell did not capitulate; and there followed probably the most disgraceful episode in the whole history of American legislatures. In Oregon the wheels of government ceased to turn; law-making stopped, no appropriation bills were passed, the ordinary routine of State business came to an end. Forty years of corruption in the legislature had reached a logical outcome in anarchy. In order to reform the State government on a new basis, U'Ren had abolished the old system. For forty days — the length of the session in Oregon — the lawmakers hung around the bar-rooms, or sat listlessly on the Capitol steps, spitting tobacco juice and swapping stories. To provide them with entertainment, Bourne fitted up elaborate personal headquarters in Salem. When he ran for the United States Senate, in 1906, Bourne issued a pamphlet in which he described this establishment in detail:

"Those who were in the Bourne headquarters almost every day say," reads this pamphlet, "that Mr. Bourne rented all the available rooms in the Eldridge block, in Salem, hired two cooks and a waiter, fitted up a kitchen and dining-room, and entertained his friends as he would if they were guests at his own home. Two or three of his closest political friends made his quarters their home while in Salem. Others who had rooms elsewhere were frequent visitors at his headquarters and were often guests at his table. His steward supplied the table with the best the markets afforded, and every visitor who came was royally entertained."

On the whole, the Bourne-U'Ren combination succeeded. Bourne accomplished his main purpose — Mitchell's defeat. He did not obtain the Speakership: nor did anybody else; and on this score Bourne was satisfied. Simon had also defeated Mitchell; and, at the special session called next year to elect a United States senator, Simon himself received the prize. U'Ren did not get his Initiative and Referendum amendment that year, but he did receive the promises of his allies that at the next legislature it would go through.

And they kept their word. When a new legislature convened in 1899, one of its first acts was the passage of the resolution calling for the submission of this amendment. It was adopted by a large majority. Senator Mitchell had learned his lesson. For breaking his pledges to U'Ren two years before he had lost a United States senatorship. He still aspired to reelection, and he now respected U'Ren's ability and power.

Just before the session of 1901 opened, U'Ren called upon him — precisely as, four years before, he had sounded him on the proposed reform.

"You and I have had some troubles, Senator," U'Ren began.

Mitchell raised his hand in gentle deprecation.

"That's right, U'Ren," he said; "we *have* had troubles. But they are all in the past. If we have any more they'll be in the future. My friends will help you to get your Referendum through."

Two years after the legislature had adopted the Referendum amendment, Mitchell was reelected, for his fourth term, to the United States Senate.

By this time the movement had become respectable. The Populist party was dead; U'Ren himself had failed of election to the Senate in 1898; but the Initiative and Referendum had survived. The Oregon Constitution, however, was rather difficult to amend. The legislature had to pass an amendment at two succeeding sessions before it could be submitted to the people. U'Ren organized a Direct Legislation League, and succeeded in getting into it some of the "leading citizens" of the State — bankers, big merchants, and the like. Even W. D. Fenton, one of the counsel to the Southern Pacific Railroad, contributed fifty cents to the cause. All political parties, except the Prohibitionist, indorsed the innovation in their State conventions and Harvey W. Scott supported it in the *Oregonian*. The amendment, therefore, went smoothly through two different legislatures, and came up for popular indorsement in the election of 1902. There was a feeling, among certain pessimists, that the people would vote it down — constitutional amendments always seemed to fail in Oregon. They did not understand, however, the popular demand for this change. It was the custom in those days for candidates to distribute cards containing their pictures and declaration of principles, and in the election of 1902 one candidate shrewdly printed on his card, in red ink: "Vote for the Initiative and Referendum amendment." This advice made him so popular that virtually all the others followed his example. That the people of Oregon really demanded this law-making power was shown when the ballots were counted.

The amendment had been adopted by a vote of eleven to one, and, in this quiet revolution, political power in Oregon had been transferred from the bosses and the corporations to the citizenship.

IN THE AUGUST NUMBER OF McCLURE'S MR. HENDRICK WILL DESCRIBE THE INITIATIVE AND REFERENDUM IN OPERATION